

Commissioners
Eric Sklar, President
Saint Helena

Erika Zavaleta, Vice President
Santa Cruz

Jacque Hostler-Carmesin, Member
McKinleyville

Samantha Murray, Member
La Jolla

Anthony Williams, Member
Huntington Beach

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

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SECOND REVISED* Meeting Agenda August 22-23, 2023

Participate in Person

River Lodge Conference Center
1800 Riverwalk Drive
Fortuna, CA 95540

Scripps Institution of Oceanography
Fish Bowl Conference Room 120
Eckart Building
8755 Biological Grade
La Jolla, CA 92037

Department of Fish and Wildlife
Seal Beach Office
3030 Old Rach Parkway, Suite 400
Seal Beach, CA 90740

Participate via Webinar/Teleconference

The meeting will be live streamed; visit <http://www.fgc.ca.gov> the day of the meeting to watch or listen. To provide public comment during the meeting, please join at the in-person location, via Zoom, or by telephone; you may join the webinar directly at <https://us02web.zoom.us/j/83396058980>. For complete instructions on how to join via Zoom or telephone, [click here](#) or visit fgc.ca.gov/meetings/2023.

*** This agenda is revised to add the Seal Beach location for participating in person the day of the meeting.**

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 10. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department. All section and subsection references are to Title 14 of the California Code of Regulations, unless otherwise noted.

Invitation: The Commission invites members of the public to join commissioners and staff for a field trip currently under development that will take place in conjunction with the meeting on Tuesday afternoon. Details will be available

in advance of the Commission meeting. Members of the public are welcome to join but must provide their own transportation.

Day 1 – August 22, 2023, 8:30 AM

Call to Order/Roll Call to Establish Quorum

1. **Consider approving agenda and order of items**

General Public Comment

2. **General public comment for items not on the agenda**

Receive public comment regarding topics within the Commission’s authority that are not included on the agenda.

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

Consent Items

Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

3. **Permits and draws for special hunts**

Adopt proposed amendments to regulations regarding special hunt permit issuance and drawings in the Department Automated License Data System.
(Amend sections 702 and 715)

Discussion and Action Items

4. **Commission executive director and Department reports**

Receive updates on items of note since the previous Commission meeting.

(A) ***Commission executive director***

(B) ***Department director and Department Law Enforcement Division***

5. **Justice, equity, diversity and inclusion**

Receive and discuss an update and presentation on developing the justice, equity, diversity, and inclusion (JEDI) plan.

6. **Inland Sport Fish Update**

Discuss proposed amendments to regulations regarding freshwater sport fishing regulations.

(Amend subsections 7.40(b)(27), 7.40(b)(79), 7.50(b)(7), and 7.50(b)(81))

- 7. Mitigating risks for cervid importation and movement**
Discuss proposed amendments to regulations regarding cervid importation and movement to mitigate risks for importing diseases like chronic wasting disease into California.
(Amend sections 257.5, 475, 676, and 712, and add sections 681 and 714)
- 8. Klamath river dam removal sport fishing**
Consider authorizing publication of notice of intent to amend Klamath river dam removal sport fishing regulations.
(Amend sections 5.87 and 8.02 and subsections 7.40(b)(50) and 7.50(b)(73))
- 9. Chinook salmon emergency closures in the Klamath, Trinity, Eel, and Smith rivers**
Discuss and consider adopting emergency regulations for Chinook salmon recreational fishing on the Klamath River, Trinity River, Eel River, and Smith River as related to tribal take.
(Amend subsections 7.40(a)(6) and (b)(50), Title 14, CCR)
- 10. Department Lands**
Consider authorizing publication of notice of intent to amend regulations for lands owned or managed by the Department.
(Add Section 540 and amend sections 550, 551, and 630)
Staff will recommend that this item be continued to the October 11-12, 2023 meeting.
- 11. Regulation change petitions (wildlife and inland fisheries)**
 - (A) ***New petitions***
Receive new petitions for regulation change.
(Pursuant to Section 662)
Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the October 11-12, 2023 meeting.
 - (B) ***Previously received petitions***
Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Petitions granted today will be added to the Commission’s rulemaking calendar for development and future consideration.
(Pursuant to Section 662)
 - I. *Petition 2023-05*: Amend visitor use regulations for Lake Earl Wildlife Area to allow boats with electric motors to be used during the waterfowl hunting season.
 - II. *Petition 2022-01*: Request to prohibit waterfowl hunting along the shoreline of Benicia, the Benicia State Park waters, or the Southampton Bay waters
- 12. Non-regulatory requests from previous meetings (wildlife and inland fisheries)**
Consider and potentially act on wildlife and inland fisheries non-regulatory requests submitted by members of the public at previous meetings.

13. American bullfrogs and non-native turtles

Receive a background presentation in anticipation of a Wildlife Resources Committee recommendation.

14. Committee and Department reports

Receive updates on items of note since the previous Commission meeting from Commission committees and Department divisions.

(A) *Wildlife Resources Committee*

Discuss referred topics and consider revisions to topics and timing. Consider modifying the next meeting location and date to San Jose on September 19, 2023, and approving draft agenda topics for the meeting.

(B) *Department Wildlife and Fisheries Division, and Department Ecosystem Conservation Division*

Day 2 – August 23, 2023, 8:30 AM

Call to Order/Roll Call to Establish Quorum

General Public Comment

15. General public comment for items not on the agenda

Receive public comment regarding topics within the Commission’s authority that are not included on the agenda.

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

Discussion and Action Items

16. Pre-existing structures in marine protected areas (MPAs) and marine managed areas (MMAs)

Discuss proposed amendments to regulations regarding incidental take authorization for work on pre-existing artificial structures within MPAs and MMAs.
(Amend Section 632)

17. Commercial take of pacific herring with lampara bait nets

Discuss and consider adopting regulations to allow limited commercial take of Pacific herring via small-scale lampara gear by Humboldt Bay herring permit holders and consider taking final action under the California Environmental Quality Act.
(Amend sections 163 and 163.1)

18. Coastal Fishing Communities Policy

Consider and potentially adopt new Commission policy on coastal fishing communities.
(Pursuant to Section 703, California Fish and Game Code)

19. Commission policies

Receive update and presentation on planning and coordination for review of Commission policies, and initial list of policies proposed for review.

20. White Seabass Fishery Management Plan

Receive the report and a presentation on the Department's White Seabass Fishery Management Plan 2021-2022 Annual Review.

(Pursuant to Section 5.9, White Seabass Fishery Management Plan)

21. Regulation change petitions (marine)

(A) New petitions

Receive new petitions for regulation change.

(Pursuant to Section 662)

Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the October 11-12, 2023 meeting.

(B) Previously received petitions

Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration.

(Pursuant to Section 662)

- I. *Petition 2023-04*: Request to amend commercial sea urchin regulations to:
(a) allow fishing on Fridays north of the San Luis Obispo/Monterey counties boundary; and (b) remove the urchin fishing closure at South Caspar Point.

22. Non-regulatory requests from previous meetings (marine)

Consider and potentially act on marine non-regulatory requests submitted by members of the public at previous meetings.

Note: This item will not be heard; no marine non-regulatory requests were received at the previous meeting and none that have been referred are ready for Commission consideration.

23. Committee and Department reports

Receive updates on items of note since the previous Commission meeting from Commission committees and Department divisions.

(A) Marine Resources Committee

Receive summary and consider approving recommendations from the July 20, 2023 Committee meeting. Discuss referred topics and consider revisions to topics and timing. Recommendation topics include:

- I. Evaluating fisheries bycatch and acceptability in the California halibut set gill net fishery and next steps, including developing potential management measures.
- II. Proposed public interest criteria, evaluation framework, and process to support Commission determination of whether a new aquaculture lease application is in the public interest.

- III. Prioritizing adaptive management recommendations from the marine protected areas decadal management review, and next steps.
- (B) **Department Marine Region**
 - I. California halibut recreational bag limit rulemaking, including a potential statewide option
 - II. Recreational take of sea urchin at Caspar Cove and Tanker Reef rulemaking
 - III. Marine Fisheries Data Explorer
- (C) **Tribal Committee**
Receive summary and consider approving recommendations from the August 21, 2023 Committee meeting. Discuss referred topics and consider revisions to topics and timing.

24. Commission administrative items

- (A) **Legislation and other agency regulations**
 - I. *Update on implementation of the California Western Joshua Tree Conservation Act*
- (B) **Rulemaking timetable updates**
- (C) **Future meetings – October 11-12, 2023 and new business**
- (D) **Discuss and consider adopting dates and locations for 2024 and 2025 meetings**

Adjourn

Public Receipt of Documents

This section of the agenda publicly highlights reports or other documents received by the Commission since the previous Commission meeting. Any Commission discussion or action on these documents will be noticed and placed on the agenda of a future meeting. Since June 15, the Commission received three documents:

- I. The Department’s one-year status review report on the petition to list Inyo rock daisy (*Perityle inyoensis* synonym *Laphamia inyoensis*) as threatened or endangered under the California Endangered Species Act (CESA).
- II. The Department’s one-year status review report on the petition to list Lime Ridge eriastrum (*Eriastrum ertterae*) as endangered under CESA.
- III. The Department’s five-year species review for Monterey clover (*Trifolium trichocalyx*), which is listed as endangered under CESA.

Executive Session

(Not Open to Public)

At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about actions taken during closed session.

- (A) Pending litigation to which the Commission is a Party
 - I. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
 - II. Fall River Conservancy and California Trout v. California Fish and Game Commission and California Department of Fish and Wildlife (California Environmental Quality Act determination regarding amendments to inland trout regulations)
 - III. United Water Conservation District v. California Fish and Game Commission (southern California steelhead “may be warranted” determination under the California Endangered Species Act and regulation authorizing limited take under Fish and Game Code Section 2084)
 - IV. Crowe v. California Fish and Game Commission (suspension of a commercial fishing license and a lobster operator permit)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items
 - I. Consider the proposed decision in Agency Case Nos. 22ALJ009-FGC and 23ALJ01-FGC, regarding the denial of Kenneth Jones’s guide license renewal application and suspension of Jones’s sport fishing license privilege for three years.

California Fish and Game Commission Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations. All Commission meetings will include a webinar/teleconference option for attendance and every effort will be made to ensure that committee meetings include the same.

Meeting Date	Commission Meeting	Committee Meeting
September 21 <i>(newly proposed for September 19)</i>		Wildlife Resources San Jose Scottish Rite Center 2455 Masonic Drive San Jose, CA 95125
October 11-12	San Jose Scottish Rite Center 2455 Masonic Drive San Jose, CA 95125	
November 16		Marine Resources San Diego area
December 12		Tribal San Diego area
December 13-14	San Diego area	

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 23-27; 2023 – Calgary, Alberta, Canada

Pacific Fishery Management Council

- September 7-14, 2023 – Spokane, WA
- November 1-8, 2023 – Garden Grove, CA
- March 5-11, 2024 – Fresno, CA
- April 5-11, 2024 – Seattle, WA
- June 6-13, 2024 – San Diego, CA

Pacific Flyway Council

- August 25, 2023 – Winter Park, CO
- March 2024 – TBD

Western Association of Fish and Wildlife Agencies

- June 2-7, 2024 – Stevenson, Washington

Wildlife Conservation Board

- August 24, 2023 – Sacramento, CA
- November 16, 2023 – Sacramento, CA
- February 2024 – Sacramento, CA
- May 2024 – Sacramento, CA

Important Commission Meeting Procedures Information

Welcome to a Meeting of the California Fish and Game Commission

This year marks the 154th year of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal and we provide this information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

Persons with Disabilities

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Department's Equal Employment Opportunity (EEO) Office at EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the EEO Office immediately.

Stay Informed

To receive meeting agendas and regulatory notices about those subjects of interest to you, visit the Commission's website, www.fgc.ca.gov, to sign up on our electronic mailing lists.

Submitting Written Comments

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: E-mail to fgc@fgc.ca.gov; mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; deliver to California Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, CA 95814 (you must call at least one business day in advance to arrange delivery). Materials provided to the Commission may be made available to the general public.

Comment Deadlines

The **Comment Deadline** for this meeting is **5:00 p.m. on August 9, 2023**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on August 17, 2023**. Comments received by this deadline will be made available to Commissioners at the meeting.

Written comments received after the supplemental comment deadline will not be included in the meeting materials.

Petitions for Regulation Change

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, *Petition to the California Fish and Game Commission for Regulation Change* (as required by Section 662), available at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. To be received by the Commission at this meeting, petition forms must be delivered by the **Supplemental Comment Deadline** (or delivered in person at the meeting during the regulation change petitions agenda

item). Petitions received at this meeting will be scheduled for consideration at the next regularly scheduled business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b).

Non-Regulatory Requests

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Supplemental Comment Deadline** (or heard during general public comment at the meeting) will be scheduled for receipt at this meeting and scheduled for consideration at the next regularly scheduled business meeting.

Speaking at the Meeting

To speak on an agenda item in-person, please complete a “speaker card” and provide it to the designated staff member before the agenda item is announced. Please complete one speaker card per item. Cards will be available near the entrance of the meeting room.

To speak on an agenda item by webinar/teleconference, please “raise” your hand either through the Zoom function or by pressing *9 once on your phone when prompted at the beginning of the agenda item.

1. In-person speakers will be identified in groups; please line up when your name is called. Speakers by webinar/teleconference will be identified by your Zoom display name or last three digits of your phone number; please pay attention to when your name or number is called.
2. When addressing the Commission, please give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
 - i. In-person participants ceding their time must complete a speaker card and approach the staff table with the spokesperson so that staff may confirm the presence of those ceding their time.
 - ii. Zoom participants ceding their time must notify the Commission at fgc@fgc.ca.gov prior to the start of the agenda item, including to whom they are ceding time, and must be present on Zoom during the agenda item.
 - b. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Supplemental Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.

- c. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).
- d. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

Agenda items may be heard in any order and on either day pursuant to the discretion of the presiding commissioner.

Visual Presentations/Materials

All electronic presentations must be submitted by the ***Supplemental Comment Deadline*** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov. If the presentation file is too large to send via email, contact staff to identify an alternative method for submitting the file.
2. All electronic formats must be Windows PC compatible.
3. If presenting at an in-person meeting location, it is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.